

Appln. No. 10/719,242  
Amendment dated June 15, 2006  
Reply to Office Action mailed March 15, 2006

### REMARKS

Reconsideration is respectfully requested.

Claims 1 through 13 remain in this application. Claim 14 has been cancelled. No claims have been withdrawn. Claims 15 and 16 have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

#### Paragraph 1 of the Office Action

Claims 1 and 14 have been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

The above amendments to the claims are believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action.

Withdrawal of the §112 rejection of claims 1 and 14 is therefore respectfully requested.

#### Paragraphs 2 through of the Office Action

Claims 1, 2 and 7 through 9 have been rejected under 35 U.S.C. §102(b) as being anticipated by Yaneza.

Claims 5, 6, 11, 13 and 14 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Yaneza in view of Hogan.

Claims 10 and 12 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Yaneza in view of Oxenrider.

Claims 1 through 7, 9, 11, 13 and 14 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Gertler in view of Yaneza, Hogan and Fitz.

Appln. No. 10/719,242  
Amendment dated June 15, 2006  
Reply to Office Action mailed March 15, 2006

Claims 10 and 12 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Gertler in view of Yaneza, Hogan and Fitz, and further in view of Oxenrider.

Claim 8 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Gertler, in view of Yaneza, Hogan and Fitz and further in view of Catterson.

Claim 1, particularly as amended, requires "a tubular storage member for receiving and storing a manual toothbrush, said tubular storage member having a conical bottom surface extending into an interior of said tubular storage member such that the conical bottom surface urges the manual toothbrush into a vertical orientation when the toothbrush is positioned in said interior and a free lower end of the manual toothbrush contacts and is able to slide along the conical bottom surface as gravity acts on the toothbrush".

It is submitted that none of the patents and publications relied upon in the rejections of the office Action would lead one of ordinary skill in the art to the claimed invention, especially with the requirements set forth above. In particular, the Yaneza patent shows a toothbrush head portion that is threaded on a portion of a handle portion, but is distinct from the conical surface and the toothbrush has no opportunity to slide across the conical surface, especially under the influence of gravity.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Yaneza, Hogan, Fitz, Catterson, Oxenrider, set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claim 1. Further, claims 2 through 13 and new claims 15 and 16, which depend from claim 1, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Appln. No. 10/719,242  
Amendment dated June 15, 2006  
Reply to Office Action mailed March 15, 2006

Withdrawal of the §102(b) and §103(a) rejections of claims 1 through 13 is therefore respectfully requested.

**CONCLUSION**

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

WOODS, FULLER, SHULTZ & SMITH P.C.



Date: JUNE 15, 2006

Jeffrey A. Proehl (Reg. No. 35,987)  
Customer No. 40,158  
P.O. Box 5027  
Sioux Falls, SD 57117-5027  
(605)336-3890 FAX (605)339-3357